

2873
Attorney Docket No. 353-100 /FW

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| In re Application of:     | ) Group Art Unit: 2873            |
|---------------------------|-----------------------------------|
| STEPHEN LEROY POLLARD     | ) Examining Attorney: Hung X Dang |
| Serial No.: 09/388,069    | )<br>)<br>) Boodene Colifornia    |
| Filed: 9/1/1999           | ) Pasadena, California            |
| For: COMFORT OPTICS VISOR | ) Date: November 16, 2005<br>)    |

#### LETTER REGARDING POWER OF ATTORNEY

The Board of Patent Appeals and Interferences addresses the November 1, 2005 Advisory Action directly to the inventor, Stephen LeRoy Pollard. We respectfully draw the Board's attention to the Declaration and Power of Attorney For Patent Application, signed by Stephen LeRoy Pollard and filed in the United States Patent and Trademark Office on November 2, 2004, designating Joseph E. Mueth, Esq., Registration No. 20,352 as attorney and agent for prosecution of this application and transaction of all business in the Patent and Trademark Office connected therewith, copy of the Declaration and Power of Attorney attached to this letter for the Board's reference. We request that the Board transmit all future correspondence to Mr. Mueth at the address designated in the Declaration and Power of Attorney and hereinbelow.

Muet

In spite of repeated efforts to have our Power of Attorney and address honored, the Patent and Trademark Office continues to correspond directly with the client, Stephen LeRoy Pollard, at his address, see the Advisory Office Action issued November 1, 2005, copy attached.

Respectfully submitted,

By:

Dated: November 16, 2005

Joseph E. Mueth Reg. No. 20,532

I certify that this document and fee is being deposited on November 16, 2005 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450,

Alexandria, VA 22313-1450.

SALLY SHORE

Date: November 16, 2005



Docket No. 353 100 Serial No. 09 188, 069

Piled 9/1/1999 For: Comfort

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Dooket No. 353.100 Serial No. 09 30 8, 06 PE CONTROL OF TO Serial No. 09 30 8, 06 PE CONTROL OF TO Serial No. 09 30 8, 06 PE CONTROL OF TO Serial No. 09 30 8, 06 PE CONTROL OF TO Serial No. 09 30 8, 06 PE CONTROL OF TO SERIAL OF TO SERIAL



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| In re Application of:     | ) Group Art Unit: 2873  |
|---------------------------|---|
| STEPHEN LEROY POLLARD     | Examining Attorney: Hung X Dang   |
| Serial No.: 09/388,069    | )<br>)<br>) Pasadena, California  |
| Filed: 9/1/1999           | ) Date: July 12, 2005   |
| For: COMFORT OPTICS VISOR | I certify that this document and fee is being deposited on July 12, 2005 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  SALLY SHORE  Date: July 12, 2005 |

### LETTER REGARDING POWER OF ATTORNEY

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Office Action mailed June 30, 2005.

09/388,069

Attorney Docket No. 353-100

The Examiner addresses the June 30, 2005 Office Action and Notice of Non-Compliant Amendment (37 CFR 1.121) directly to the inventor, Stephen LeRoy Pollard. We respectively draw the Examiner's attention to the Declaration and Power of Attorney For Patent Application, signed by Stephen LeRoy Pollard and filed in the United States Patent and Trademark Office on November 2, 2004, designating Joseph E. Mueth, Esq., Registration No. 20,352 as attorney and agent for prosecution of this application and transaction of all business in the Patent and Trademark Office connected therewith, copy of the Declaration and Power of Attorney attached to this letter for the Examiner's reference. We request that the Examiner transmit all future correspondence to Mr. Mueth at the address designated in the Declaration and Power of Attorney and hereinbelow.

Respectfully submitted,

Dated: June 13, 2005

225 South Lake Avenue Eighth Floor Pasadena, California 91101 Telephone: (626) 584-0396 Joseph E. Mueth Reg. No. 20,532 NOV 2 1 2005 W

Please schrowledge receipt of the following by affixing the U.S. Patent and Trademark Office fate stamp and receipt this card to pur office: Certificate of Express Mailing;

Decl. & Power of Atty for Patent Application

Docket No353=100 Serial No09/388,069
Float 9/1/1999 For: Comfort Optics

Client/Applicant Pollard

Date rapiled 11/2/04 By Laura Velarde

CR832380222US

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Docket No353=100 Serial No09/388,069
Filed 9/1/1999 For: Comfort Optics
Visor
Client/Applicant Pollard
Date rapided 11/2/04 By Laura Velar de
Wow 0 1 2004

| CERTIFICATE OI Applicant(s): Stephen   |                          | (PRESS MAIL" (37 CFR 1.10)  |   | cket No.<br>3-100     |
|--|--------------------------|---|---|-----------------------|
| Application No. 009/388,069  | Filing Date<br>9/1/1999  | Examiner<br>Dang, Hung Xuan   | Customer No.<br>41576                                       | Group Art Uni<br>2873 |
| I hereby certify that to is being deposited with 37 CFR 1.10 in an experience. | ith the United States Po | AND POWER OF ATTORNEY FOR P  (Identify type of correspondence)  stal Service "Express Mail Post Offic  Director of the United States Patent  NOVEMBER 2, 2004 | e to Addressee" s   | ervice under          |
|  |                          | LAURA VI (Typed or Priviled Name of Perso  Signature of Person Mail  ER 832380  | n Mailing Corresponded  LOCAL  ing Correspondence)  1222 US | nce)                  |

Note: Each paper must have its own certificate of mailing.

NOV 2 1 2005

Docket No. 353-100

# Declaration and Power of Attorney For Patent Application

# **English Language Declaration**

| As a below named inventor  | , I hereby declare ti  | hat:   |  |
|--|--|--|--|
| My residence, post office a  | ddress and citizens  | hip are as stated below next to m  | ny name,                                       |
| I believe I am the original, fifirst and joint inventor (if pluwhich a patent is sought on | ural names are liste   | or (if only one name is listed belowed belowed below) of the subject matter whe  | w) or an original,<br>nich is claimed and for  |
| COMFORT OPTICS VIS   | OR   |  |  |
| the specification of which   |  |  |  |
| (check one)  |  |  |  |
| ☐ is attached hereto.  |  | ·  |  |
| was filed on SEPTEME   | ER 1, 1999   | as United States Application No.   | or PCT International                           |
| Application Number 09.   | /388,069   |  |  |
| and was amended on   | April 10, 2003   |  |  |
|  |  | (if applicable)  |  |
| I hereby state that I have reincluding the claims, as am                                   | eviewed and unders<br>ended by any ame   | stand the contents of the above in its stand the contents of the above.  | dentified specification,                       |
| 1.56 including for continu   | uation-in-part application   | n which is material to patentability cations, material information whe and the national or PCT internal  | ich became available                           |
| application(s) for patent, o application which designate below and have also ide           | r plant breeder's ri<br>led at least one co<br>ntified below, by c<br>'s rights certificate( | 35 U.S.C. 119(a)-(d) or (f), or ights certificate(s), or 365(a) of abuntry other than the United Stachecking the box, any foreign as s), or any PCT international appriority is claimed. | tes of America, listed application for patent, |
| Prior Foreign Application(s  | )  |  | Priority Not Claimed                           |
| (Number)   | (Country)  | (Day/Month/Year Filed)   |  |
| (Number)   | (Country)  | (Day/Month/Year Filed)   |  |
| (Number)   | (Country)  | (Day/Month/Year Filed)   |  |

| I hereby claim the benefit unde application(s) listed below:   | er 35 U.S.C. Section 119(e)  | of any United States provisional  |
|--|--|---|
| (Application Serial No.)   | (Filing Date)  |   |
| ·  | ere e<br>A   |   |
| (Application Serial No.)   | (Filing Date)  |   |
| (Application Serial No.)   | (Filing Date)  |   |
| insofar as the subject matter of earlined States or PCT International U.S.C. Section 112, I acknowledge Office all information known to me | tional application designating tach of the claims of this application in the manner prost the duty to disclose to the Ure to be material to patentabilities between the filing date of the | ny United States application(s), or<br>he United States, listed below and,<br>cation is not disclosed in the prior<br>ovided by the first paragraph of 35<br>nited States Patent and Trademark<br>ty as defined in Title 37, C. F. R.,<br>he prior application and the national |
| (Application Serial No.)   | (Filing Date)  | (Status)<br>(patented, pending, abandoned)  |
| (Application Serial No.)   | (Filing Date)  | (Status)<br>(patented, pending, abandoned)  |
| (Application Serial No.)   | (Filing Date)  | (Status) (patented, pending, abandoned)   |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number) JOSEPH E. MUETH, ESQ. **REGISTRATION NO.: 20,352** 

Send Correspondence to: JOSEPH E. MUETH, ESQ.

225 SOUTH LAKE AVE., 8TH FLOOR PASADENA, CALIFORNIA 91101

Direct Telephone Calls to: (name and telephone number)

JOSEPH E. MUETH, ESQ.

(626) 584-0396

| Full name of sole or first inventor STEPHEN LEROY POLLARD               |               |
|---|---------------|
| Sole of First Inventor's signature Le Ruy Pallord                       | 10-28-04 Date |
| Residence 27703-14 Ortega Hwy., San Juan Capistrano, CA 92675           | /             |
| Citizenship<br>US   |               |
| Post Office Address 27703-14 Ortega Hwy., San Juan Capistrano, CA 92675 |               |
|   |               |

| Full name of second inventor, if any |      |
|--------------------------------------|------|
| Second Inventor's signature          | Date |
| Residence                            |      |
| Citizenship                          |      |
| Post Office Address                  |      |
|                                      |      |

-- T-----Y OMICO-US DEPARTMENT OF COMMERCE



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| For: COMFORT OPTICS VISOR | ) Date: November 16, 2005         |

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Respectfully submitted,

By:

Dated: November 16, 2005

Joseph E. Mueth Reg. No. 20,532

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CALLY SHOPE

Date: November 16, 2005

NOV 2.1 2005 W

please adknowledge receipt of the following by siffixing the U.S. Patent and Trademark Office date stamp and return this eard to our office:

Letter RE Court of Home Amendment I dansmits

Dooket No. 353.100 Serial No. 09 208,069

Filed 9/1/1999 For: Cornect

Client/Applicant Vollard
Date risited 7/12/200 By S. Show

Dieses auknowledge recent of the following by striking the U. 8. Patent and Trademark Office late gramp and return this card to our office:

Amendment Amendment Thansmital

Letter

Docket No. 353.100 Serial No. 09 388, 06 C. P. F. C.

Piled 9/1/1999 For: Comfort

Optics Visch

Client/Applicant Volland

Date risited 7/2/200 By S. Show



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---|----|-----|----|------|-----|
|---|----|-----|----|------|-----|

STEPHEN LEROY POLLARD

Serial No.: 09/388,069

Filed: 9/1/1999

For: COMFORT OPTICS VISOR

Group Art Unit: 2873

Examining Attorney: Hung X Dang

Pasadena, California

Date: July 12, 2005

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Date: July 12, 2005

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Attorney Docket No. 353-100

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Dated: June 13, 2005

225 South Lake Avenue Eighth Floor Pasadena, California 91101 Telephone: (626) 584-0396 Joseph E. Mueth

Reg. No. 20,532

1 3 Mm

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Decl. & Power of Atty for Patent Application

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Visor
Client/Applicant Pollard
Date rapided 11/2/04 By Laura Velarde
WWW 0 2 2004

| CERTIFICATE OF Applicant(s): Stephen |                          | XPRESS MAIL" (37 CFR 1.10)   |   | ket No.<br>3-100     |
|--------------------------------------|--------------------------|--|---|----------------------|
| Application No. 009/388,069          | Filing Date<br>9/1/1999  | Examiner<br>Dang, Hung Xuan  | Customer No.<br>41576                           | Group Art Un<br>2873 |
| NOV 2 1 2005                         | OPTICS VISOR             |  |   |                      |
| I hereby certify that t              | ith the United States Po | AND POWER OF ATTORNEY FOR P. (Identify type of correspondence) stal Service "Express Mail Post Office Director of the United States Patent | e to Addressee" se                              | ervice under         |
|                                      | a, VA 22313-1450 on      | NOVEMBER 2, 2004 (Date)  | and mademark c                                  | omice, F.O.          |
|                                      | ·                        | LAURA VE (Typed or Privated Name of Person  (Signature of Person Maille  ER 832380:  ("Express Mail" Mailing                               | Majling Correspondents  Correspondence)  222 US | ce)                  |

Note: Each paper must have its own certificate of mailing.

(Number)

(Number)

(Country)

Docket No. 353-100

and Trademark Office-U.S. DEPARTMENT OF COMMERCE

(Day/Month/Year Filed)

# nd Power of Attorney For Patent Application English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original,

|   | t and joint inventor (if pluich a patent is sought on  |   |  | or the subject matter w   | nich is claimed and for   |
|---|--|---|--|---|---|
|   | COMFORT OPTICS VISC  | PR  |  |   |   |
| the                                     | specification of which   |   |  |   |   |
| (ch                                     | eck one)   |   |  |   |   |
|   | is attached hereto.  |   |  |   |   |
| X                                       | was filed on SEPTEMBI  | ER 1, 1999 a  | as United  | States Application No   | or PCT International  |
|   | Application Number 09/3  | 388,069   |  |   |   |
|   | and was amended on A   | pril 10, 2003   |  |   |   |
|   | _  |   | (if a  | applicable)   |   |
| I ad<br>1.5<br>bet                      | ereby state that I have re<br>luding the claims, as ame<br>cknowledge the duty to d<br>66, including for continu-<br>tween the filing date of that<br>intinuation-in-part applicat | ended by any amendisclose information value at application application application application. | dment re<br>which is<br>ations, m<br>and the r   | ferred to above. material to patentability naterial information wh national or PCT interna            | as defined in 37 CFR ich became available tional filing date of the         |
| appappappappappappappappappappappappapp | ereby claim foreign prior<br>plication(s) for patent, or<br>plication which designate<br>low and have also iden<br>entor's or plant breeder's<br>te before that of the appli       | plant breeder's rig<br>ed at least one cou<br>tified below, by ch<br>rights certificate(s)      | hts certi<br>intry oth<br>iecking t<br>), or any | ficate(s), or 365(a) of a<br>er than the United Sta<br>he box, any foreign a<br>PCT international app | any PCT International<br>ites of America, listed<br>application for patent, |
| Pri                                     | or Foreign Application(s)  |   |  |   | Priority Not Claimed  |
| (Nu                                     | ımber)   | (Country)   |  | (Day/Month/Year Filed)  |   |
| (NL                                     | ımber)   | (Country)   | <del></del>                                      | (Day/Month/Year Filed)  |   |

| application(s) listed below:   | er 35 U.S.C. Section 119(e               | ,                                       |
|--|--|---|
| (Application Serial No.)   | (Filing Date)                            |   |
| ·  | en e |   |
| (Application Serial No.)   | (Filing Date)                            |   |
| -  |  |   |
| (Application Serial No.)   | (Filing Date)                            |   |
| Office all information known to m<br>Section 1.56 which became availate<br>or PCT International filing date of the | ole between the filing date of t         | ility as defined in Title 37, C. F. R. the prior application and the national |
|  |  | ,   |
| (Application Serial No.)   | (Filing Date)                            | (Status) (patented, pending, abandoned)                                       |
| (Application Serial No.)  (Application Serial No.)   | (Filing Date)  (Filing Date)             |   |

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JOSEPH E. MUETH, ESQ.

REGISTRATION NO.: 20,352

Send Correspondence to: JOSEPH E. MUETH, ESQ.

225 SOUTH LAKE AVE., 8TH FLOOR PASADENA, CALIFORNIA 91101

Direct Telephone Calls to: (name and telephone number)

Joseph E. Mueth, Esq.

(626) 584-0396

•:...

| Full name of sole or first inventor STEPHEN LEROY POLLARD                  |               |
|--|---------------|
| Sole of first inventor's signature Le Roy Rall Cord                        | 10-28-04 Date |
| Residence 27703-14 Ortega Hwy., San Juan Capistrano, CA 92675              | /             |
| Citizenship<br>US  | ·             |
| Post Office Address<br>27703-14 Ortega Hwy., San Juan Capistrano, CA 92675 |               |
|  |               |

| esidence            |          | <br> |                                       |
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| itizenship          |          |      | · · · · · · · · · · · · · · · · · · · |
| Post Office Address | <u> </u> | <br> |                                       |



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Bv

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SALLY SHORE

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Amendment Amendment Thansmits

Dooket No. 353 100 Serial No. 09 202, 069

Piled 9/1/1999 For: Comfort

Otient/Applicant Yellard

Date risiled 7/12/20 By S. Show

| Pilease adknowledge receipt of the following by sirixing the T. S. Patent and Trademark Office into gramp and return this gard to our office:  Amendment Amendment Transport (effect)  Docket No. 353-100 Serial No. 09 388, C. Piled 9/1/1999 For: Compart Option Viscol.  Client/Applicant Velland | M 15 2005             |
|--|-----------------------|
| Date risited 7/2/200 By S. Short   | TRADEMARKO TRADEMARKO |



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| CERTIFICATE OF Applicant(s): Stephen |                           | PRESS MAIL" (37 CFR 1.10)  | ]]]                   | cket No.<br>3-100     |
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| L hereby codify that                 | hig DECLADATION AS        |  |                       | ·                     |
| I hereby certify that t              | nis <u>DECLARATION AN</u> | ND POWER OF ATTORNEY FOR P<br>(Identify type of correspondence)        | ATENT APPLICA         | ATION                 |
| is being deposited w                 | ith the United States Pos | tal Service "Express Mail Post Offic                                   | e to Addressee" s     | ervice under          |
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Docket No. 353-100

# Declaration and Power of Attorney For Patent Application

# English Language Declaration

| As a below named inve   | ntor, i nereby decia  | · ·   |   |
|---|---|---|---|
| My residence, post offic  | e address and citiz   | enship are as stated below next to my n   | ame,  |
| I believe I am the origin<br>first and joint inventor (i<br>which a patent is sough | f plural names are l  | entor (if only one name is listed below) of isted below) of the subject matter which ntitled  | or an original,<br>is claimed and for                         |
| COMFORT OPTICS  | VISOR   |   |   |
| the specification of which  | ch  |   |   |
| (check one)   | ,   |   |   |
| is attached hereto.   |   | •   |   |
| was filed on SEPTE  | EMBER 1, 1999   | as United States Application No. or   | PCT International   |
| Application Number  |   |   |   |
| and was amended   |   |   |   |
|   |   | (if applicable)   |   |
| I hereby state that I have including the claims, as                                 | ve reviewed and un-<br>amended by any a   | derstand the contents of the above ident mendment referred to above.  | ified specification,  |
| 1.56 including for cor  | ntinuation-in-part ar<br>of the prior applica   | tion which is material to patentability as opplications, material information which tion and the national or PCT international  | became available  |
| application(s) for pater application which design below and have also               | nt, or plant breeder<br>gnated at least one<br>identified below, b<br>eder's rights certifica | der 35 U.S.C. 119(a)-(d) or (f), or 365(a) s rights certificate(s), or 365(a) of any a country other than the United States by checking the box, any foreign appliate(s), or any PCT international application priority is claimed. | PCT International<br>of America, listed<br>cation for patent, |
| Prior Foreign Application   | on(s)   | <u>Prio </u>  | ority Not Claimed   |
| (Number)  | (Country)   | (Day/Month/Year Filed)  |   |
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or PCT International filing date of this application:

| I hereby claim the benefit under application(s) listed below:   | 35 U.S.C. Section 119(  | (e) of any United States prov   | isiona        |
|---|---|---|---------------|
| (Application Serial No.)  | (Filing Date)   | <del>-</del>  |               |
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| (Application Serial No.)  | (Filing Date)   | _   |               |
| (Application Serial No.)  | (Filing Date)   | _   |               |
| I hereby claim the benefit under 35 Section 365(c) of any PCT Internation insofar as the subject matter of each United States or PCT International at U.S.C. Section 112, I acknowledge | onal application designating the of the claims of this application in the manner is | ng the United States, listed below oplication is not disclosed in the provided by the first paragraph | and,<br>prior |

(Application Serial No.)

(Filing Date)

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(Filing Date)

(Status)
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Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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NOV 2 1 2005

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (IIst name and registration number)

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| econd inventor's signature | Date |
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